

## COMPLAINT

Case Number: 4642018CR1490Charge ID: 1564240C

|                                    |             |                                  |   |  |
|------------------------------------|-------------|----------------------------------|---|--|
| <input type="checkbox"/> VIOLATION | MISDEMEANOR | <input type="checkbox"/> CLASS A | <input checked="" type="checkbox"/> CLASS B | <input type="checkbox"/> UNCLASSIFIED (non-person) |
|                                    | FELONY      | <input type="checkbox"/> CLASS A | <input type="checkbox"/> CLASS B            | <input type="checkbox"/> SPECIAL                   |
|                                    |             |                                  |   | <input type="checkbox"/> UNCLASSIFIED (non-person) |

You are to appear at the: **3RD CIRCUIT - DISTRICT DIVISION - OSSIPEE** Court,Address: **96 WATER VILLAGE RD, BOX 2, OSSIPEE, NH**County: **CARROLL**Time: **0800 AM**Date: **JANUARY 9, 2019**

NOV 20 2018

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT : PLEASE PRINT

|                                     |   |                                    |                                      |                           |            |
|-------------------------------------|---|------------------------------------|--------------------------------------|---------------------------|------------|
| AMATUCCI                            |   | JOSEPHINE                          |                                      | OSSIPEE DISTRICT DIVISION |            |
| Last Name                           |   | First Name                         |                                      | Middle                    |            |
| 350 GOV WENTWORTH HWY               |   | WOLFEBORO                          |                                      | NH 03894                  |            |
| Address                             |   | City                               |                                      | State Zip                 |            |
| F                                   | W                                       | 5 0 8                              | 1 8 7                                | BROWN                     | BLACK      |
| Sex                                 | Race                                    | Height                             | Weight                               | Eye Color                 | Hair Color |
| 09/27/38                            |   | 09AIJ38271                         |                                      | NH                        |            |
| DOB                                 |   | License #:                         |                                      | OP License State          |            |
| <input type="checkbox"/> COMM. VEH. | <input type="checkbox"/> COMM. DR. LIC. | <input type="checkbox"/> HAZ. MAT. | <input type="checkbox"/> 16+PASSENGE |                           |            |

AT: 400 BEACH POND RD, WOLFEBORO NH

On 08/06/2018 at 2:00 PM in CARROLL County NH, did commit the offense of:

RSA Name: Simple Assault; BI *BODILY INJURY*

Contrary to RSA: 631:2-A, I(B)

Inchoate:

(Sentence Enhancer):

*See*  
*Attached*  
*CHAPTER 631*

And the laws of New Hampshire for which the defendant should be held to answer in that the defendant did:

commit the crime of Simple Assault in that she knowingly caused unprivileged physical contact to another, to wit, Robert Maloney by pushing Robert Maloney with her hands, on his upper arm/shoulder. Said offense constituting a Class B Misdemeanor;

*EVIDENCE OF UNLAWFUL MALICIOUS PROSECUTION (NO INJURY AS STATED BY ALLEGED VICTIM)*

ORIGINAL

# JUSTIA

**View the 2021 New Hampshire Revised Statutes** | View Previous Versions of the New Hampshire Revised Statutes

## 2015 New Hampshire Revised Statutes Title LXII - CRIMINAL CODE Chapter 631 - ASSAULT AND RELATED OFFENSES Section 631:2-a - Simple Assault.

**Universal Citation:** NH Rev Stat § 631:2-a (2015)

### **631:2-a Simple Assault. –**

I. A person is guilty of simple assault if he:

(a) Purposely or knowingly causes bodily injury or unprivileged physical contact to another; or

(b) Recklessly causes bodily injury to another; or

(c) Negligently causes bodily injury to another by means of a deadly weapon.

II. Simple assault is a misdemeanor unless committed in a fight entered into by mutual consent, in which case it is a violation.

**Source.** 1979, 126:3, eff. Aug. 4, 1979.

*MALICIOUS  
PROSECUTION*

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Page: 1

SUPPLEMENTAL NARRATIVE FOR SERGEANT WILLIAM WRIGHT

Ref: 18-153-OF

On October 2, 2018 I received a telephone call from Chief Rondeau. He informed me he was made aware by his prosecutor, I had sent the paperwork to him for review. He said he would recommend sending Ms. Amatucci a must appear citation and avoid an actual physical custody arrest and processing. He stated it would be to the best interest in all parties to handle this case as least intrusive as possible, as previous contacts with Ms. Amatucci have caused hostility. He indicated Ms. Amatucci has always shown up at court accordingly and does not believe she would be bailed traditionally. He further told me the Ossipee Court allows for hand summons to be issued on Class B Misdemeanor cases.

As a result of the conversation and direction of Chief Rondeau, I will be sending Ms. Amatucci the court complaint via certified receipt mail through the US Postal Service, rather than following through with a tradition warrant arrest process. November 1, 2018 court date will be given.

The Belknap County Sheriff's Department was also asked by the Wolfeboro Police Department to prosecute this case accordingly.

**RECEIVED**

SEP 09 2019

OSSIPEE  
DISTRICT DIVISION

*MALICIOUS  
prosecution*



*MALICIOUS PROSECUTION*

Belknap County Sheriffs Department

Page: 2

NARRATIVE FOR SERGEANT WILLIAM WRIGHT

Ref: 18-153-OF

I told him I would conduct the investigation and would be forwarding the conclusion once completed.

On September 7, 2018 I responded to the Wolfeboro Solid Waste Disposal Building, 400 Beach Pond Rd Wolfeboro, NH. At approximately 0940 hours, I met with the victim of this incident:

Robert Maloney

The building office was open and had foot traffic from the busy dump day. I was told we could use the office, but might be interrupted during the interview. I began the recorded interview asking Mr. Maloney about the incident.

He informed me on August 7, 2018 at approximately 2 p.m., he was standing in the doorway of the building office. He witnessed Josephine Amatucci speaking with Supervisor Steve Champaigne about a couple of people who were making a mess with a U-Haul truck. The people had been emptying the truck and had items spread out. Ms. Amatucci was told Mr. Champaigne had already told the people they were to clean up the mess before they left. Ms. Amatucci then walked off. As short time later, Mr. Maloney was still standing in the door way when Ms. Amatucci came to him from the flank. She then pushed him on his left side with her hands, causing him to lose his balance and fall down the two stairs into the office. She followed him into the office and began yelling at Mr. Champaigne, who was already in the room. She argued about the mess caused by the U-haul truck. After a few moments she then left. Mr. Maloney told me Ms. Amatucci did not have permission to put her hands on him. He did not have any injuries as a result of this assault. He told me she had no real reason to push him and that she could have easily walked around him. We were interrupted a couple of times during the interview, with patrons of the dump. The facility was extremely busy and there was limited staff on hand. *IT WAS DETERMINED AT THE TRIAL BY MR. CHAMPAIGNE'S TESTIMONY THAT MALONEY - WAS NEVER STANDING IN THE DOORWAY -*

When I asked about his relationship with Ms. Amatucci and he told me he knew her from him working at the dump for the last 20 years. He said she was a frequent customer and had no idea what her concern with the U-haul truck was. His recorded statement is part of this report.

I then spoke with:

*MALONEY WAS TERMINATED BY THE TOWN.*

Joshua Nason  
DoB: 12/25/93

who advised me he was a witness to the assault. Again I audio taped this interview in the same office. Mr. Nason informed me he had seen Ms. Amatucci come up to Mr. Maloney from the side. She then pushed him, causing him to fall down the stairs. She then commenced to yell at Mr. Champaigne telling him he was rude to people. She yelled for a few minutes then left. He said he left the office just after the assault. He said he did

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AMATUCCI

JOSEPHINE

OSSIPEE  
DISTRICT DIVISION

Last Name

First Name

Middle

350 GOV WENTWORTH HWY

WOLFEBORO

NH 03894

Address

City

State

Zip

F

W

5 0 8

1 8 7

BROWN

BLACK

Sex

Race

Height

Weight

Eye Color

Hair Color

09/27/38

09AIJ38271

NH

DOB

License #:

OP License State

☐ COMM. VEH.☐ COMM. DR. LIC.☐ HAZ. MAT.☐ 16+PASSENGER

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ORIGINAL

6/22/22, 11:10 AM

USNHD Live CM/ECF - U.S. District Court

**Other Orders/Judgments**

1:20-cv-00449-JL Amatuucci v. Wolfeboro, NH, Town of et al **CASE CLOSED on 08/11/2021**

CLOSED

**U.S. District Court**

**District of New Hampshire**

**Notice of Electronic Filing**

The following transaction was entered on 6/22/2022 at 11:10 AM EDT and filed on 6/21/2022

**Case Name:** Amatuucci v. Wolfeboro, NH, Town of et al

**Case Number:** 1:20-cv-00449-JL

**Filer:**

**WARNING: CASE CLOSED on 08/11/2021**

**Document Number:** No document attached

**Docket Text:**

**ENDORSED ORDER denying without prejudice [42] Response to the Report and Recommendation Dated Feb. 28, 2022 Stating a Void Judgment is Never Final (5638) (entered in 21-cv-1081). Text of Order: Document No. 42/#5638 in this case is Plaintiff Josephine Amatuucci's Response to the Report and Recommendation Dated Feb. 28, 2022. That filing challenges a February 28, 2022 R&R which issued in Amatuucci v. Town of Wolfeboro, No. 21-cv-1081-LM (Case 21-1081). However, Mrs. Amatuucci has identified the docket number in which this document should be filed as: **BASICALLY CASE 449 NOT NOT NOT 21-CV-1081**, indicating that she does not wish that this filing be docketed in the case to which it refers, Case 21-1081. As the file references documents and a defendant not present in this case, Document No [42], to the extent it seeks any relief in this case, is **DENIED** without prejudice to Mrs. Amatuucci's ability to seek such relief in an appropriate case. So Ordered by Judge Joseph N. Laplante.(jb)**

**1:20-cv-00449-JL Notice has been electronically mailed to:**

**1:20-cv-00449-JL Notice, to the extent appropriate, must be delivered conventionally to:**

Josephine Amatuucci  
PO Box 272  
Wolfeboro Falls, NH 03896